

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Koichi TAMURA, et al.

Title: DEMODULATION APPARATUS AND DEMODULATION METHOD FOR MOBILE COMMUNICATION

Application No.: 09/829,048

Filing Date: 04/10/2001

Examiner: S. K. Ahn

Art Unit: 2637

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of a document known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed document is being submitted in compliance with 37 CFR §1.97(c), before the mailing date of either a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application.

RELEVANCE OF EACH DOCUMENT

A translation of a portion of a European Office Action that issued March 10, 2005 with respect to a counterpart European patent application is provided below.

"D3 US-5 530 716 (MOTOROLA) 25 June 1996 (1 996-06-25)

D3 (U.S. 5,530,716) discloses that normally a peak at a certain path location must appear more than once in order to be selected, this is referred to as a guard level (page 7, lines 11 to 18);

if a peak is detected which exceeds a given threshold, then this peak is immediately selected without waiting to see whether it appears more than once (page 7, lines 19 to 27).

The document D3 (fig. 9; col. 4, lines 18 to 45; col. 5, lines 11 to 27; col. 7, line 63 to col. 10, line 13) discloses (the references in parentheses applying to this document):

A demodulation apparatus for mobile communication (fig. 9) having capability of cyclically selecting signals that appear more than once (col. 9, lines 52 to 56) to be assigned to the fingers out of signals incoming via different paths, combining the signals, and outputting the combined signals, comprising:

threshold setting means; and

signal selecting means for comparing an incoming signal with a threshold set by said threshold setting means and for selecting said incoming signal with high intensity level that could be intense interfering component if not RAKE-combined even if said signal does not appear more than once (col. 9, lines 56 to 62)."

Applicant's statements regarding the European Office Action are based on a partial translation that Applicant's representative obtained. These statements should in no way be considered as an agreement by Applicants with, or an admission of, what is asserted in the European Office Action.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

STATEMENT

The undersigned hereby states in accordance with 37 CFR §1.97(e)(1) that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to filing of this Statement.

The undersigned hereby states in accordance with 37 CFR §1.704(d) that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of the information disclosure statement.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date May 10, 2005

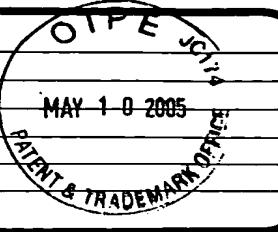
By Phillip J. Articola

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5300
Facsimile: (202) 672-5399

David A. Blumenthal
Registration No. 26,257

Phillip J. Articola
Registration No. 38,819

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO				Complete if Known 	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT					
Date Submitted: May 10, 2005					
(use as many sheets as necessary)					
Sheet	1	of	1		
Attorney Docket Number 053969-0126					

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
A1	5,530,716			LIPA	06/25/1996	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.